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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,215	11/19/2001	Barclay Saul	96001-0151	8194

7590 02/09/2004

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,215

Applicant(s)

SAUL ET AL.

Examiner

Stephen A. Holzen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4 have been fully considered and are persuasive. The rejection of claims 1-4 has been withdrawn.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenny (6,381,583).

Re - Claim 1: Kenny discloses a method for hosting a virtual art gallery on a network comprising:

- i. Host system, plurality of gallery accounts and first gallery accounts
(Inherent where Kenney is generating a historical purchased item list that Kenny is generating a plurality of account)
- ii. Receiving through the network at the host system a request for read-only access to the first gallery account by a first user (inherent that the store is only granted read only access to view personal information and the food choices the shopper has requested.)
- iii. Providing on the network to the first user, the first gallery account in a read-only access mode (same as above)

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iv. Where each of the plurality of gallery accounts has a gallery item limit, (inherent that there is an upper limit on both amount of money the customer spends shopping, and the stores availability of the requested products), gallery personal information (inherent for on-line purchasers must give contact information, delivery information, payment info), a gallery environment (see Figure 4), and at least a first gallery item (products), and where each of the plurality of gallery accounts is characterized by at least two access modes including the read-only access mode and a qualified access mode, (inherent that the store would have access to the personal account information such as Credit Card, Delivery address, but could not alter info such as this unless and until granted access in Qualified Mode.)

v. Where each of the gallery items is characterized by at least a virtual size (see Col. 1, lines 20)

vi. Where the first gallery account in the read-only access mode is configured to allow access to at least two representations of the first gallery item and the gallery environment including a two-dimensional representation and a virtual reality representation. (see figures 7 and 8)

Re - Claim 2: Kenney discloses all aspect of claim 2: (all the steps are inherent in an "administrative authority" capacity.)

3. Claims 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenney. Kenney clearly discloses, a host system (see Abstract) a network, a plurality of

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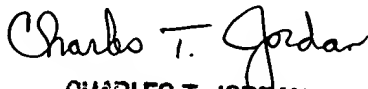
gallery accounts (inherent), gallery items (products), gallery personal information (inherent), a gallery environment (figure 4), and at least a gallery item (products), a first local terminal configured for a first user to access the first gallery account in read-only access mode (inherent), where each of the gallery items is characterized by at least a virtual size (see Abstract), where the first gallery account in the read-only access mode is configured to allow access to at least two representation of the first gallery item (see Figures 7 and 8) and the gallery environment including a two dimensional representation and virtual reality representation (see Figures 7 and 8), a second terminal for a second user to access the first gallery account on the host system over the network in qualified access mode (inherent that user can access from remote terminal), where the first gallery account in the qualified access mode is configured to allow the second user to modify the associated gallery personal information (inherent that user may alter his purchases or personal information).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4174.


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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